IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

ARBITRATION PETITION NO.402 OF 2003

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Union of India & Ors. ...Petitioner

v/s.

M/s.Rotomac Electrical

Pvt.Ltd. ...Respondent

...

Mr.Suresh Kumar for the Petitioner.

Mr.D.D.Madon i/b U.S.Samudrala for the Respondent.

...

CORAM: D.K.DESHMUKH, J.

DATED: 5TH APRIL,2005

P.C.:

1. By this Petition, the Petitioner challenges the

award made by the sole-arbitrator, after proceedings were remanded back by consent of parties to the learned Arbitrator for giving reasons in relation to claim No.2.

2. It was argued by the learned Counsel appearing for the Petitioner that on the same count by letter dated 6-6-1997, only an amount of Rs.1,37,000/- was claimed, however, the award has been made for an amount in excess of Rs.8 lakh and the learned arbitrator has not given any reason why the claim is not restricted to the demand contained in the letter dated 6-6-1997. It was also argued that the award made by the learned arbitrator is contrary to the general condition of contract.

3. I have also heard the learned Counsel appearing for the Respondent and also perused the record. It appears that by the letter dated 6-6-1997 that an amount of Rs.1,37,000/- was demanded on the footing that the contract was valid up to 15-6-1004, but the period of validity extended upto December, 1994 and in view of the order dated 1st October, 2002 passed in Arbitration Petition No.34 of 2001, obviously the demand made in the letter was no longer in force and

therefore the claim made as per the extended term has been considered. The award made by the arbitrator cannot be examined as an Appeal Court. Jurisdiction of this court to interfere with the award under Section 34 is very narrow. After having gone through the record I find that the view that has been taken by the arbitrator is a possible view and therefore because some other view is also possible, the award cannot be disturbed. Petition, therefore, disposed. No order as to costs.

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